

with a nonintrusive imaging device and only 2.8 percent of containers were screened for radiation prior to entering the United States. DHS' efforts have improved somewhat from last year's paltry numbers, but we have more work to do. To date, DHS still uses a risk-based approach that targets only high-risk containers. While this approach is fundamentally sound, the system used to target high-risk containers has yet to be validated or proven to accurately identify high-risk containers. Moreover, the validity of the intelligence used to enhance this system's targeting ability is increasingly in question. Thus, we need to both enhance our targeting capability and use technology to enhance our ability to increase inspections—without impeding the flow of commerce.

While the United States currently inspects approximately 5 percent of all maritime containers, the partial pilot test in the Port of Hong Kong demonstrates the potential to scan 100 percent of all shipping containers. Each container in the Hong Kong port flows through an integrated system featuring an imaging machine, a radiation scan, and a system to identify the container. Coupling these technologies together allows for the most complete scan of a container currently available. The Hong Kong concept or similar technology holds great promise and could lead to a dramatic improvement in the efficacy of our supply chain security.

I am pleased to say that this legislation develops a pilot program in three foreign seaports, each with unique features and varying levels of trade volume to test integrated scanning systems using non-intrusive inspected radiation detection equipment. It requires full-scale pilot implementation within 1 year after enactment and an evaluation report would be required to be submitted to Congress 120 days after full implementation of the pilot. If the pilot programs prove successful, then full-scale implementation would follow.

The bottom line is this: we are safer now than we were yesterday, but we are not safe enough. The question then becomes: how do we get there? In the words of the hockey legend Wayne Gretzky, "A good hockey player plays where the puck is. A great hockey player plays where the puck is going to be." In other words, we cannot safeguard a post 9/11 America by using pre-9/11 methods. If we think that the terrorists are not plotting their next move, we are mistaken. We must find where the gaps are in our Nation's homeland security and close them before an attack happens. That is the only way to guarantee our security.

I agree with what Secretary Chertoff articulated at our full Committee DHS budget hearing, "the worst thing would be this: to have a program for reliable cargo that was insufficiently robust so that people could sneak in and use it as a Trojan Horse. That would be the

worst of all worlds." By reforming and strengthening C-TPAT, CSI, ATS, by expediting the, deployment of sophisticated radiation portal monitors and testing the ability to scan 100 percent of cargo before it enters the United States, the SAFE Port Act closes gaps in our homeland security and makes us safer.

The conference report was agreed to. (The conference report is printed in the proceedings of the House in the RECORD of September 29, 2006).

DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. FRIST. Mr. President, I do want to add my congratulations to the managers, Senators WARNER and LEVIN. They have done a tremendous job on the Defense authorization bill, a very important bill. We had several pauses over the course of today that we were able to work through, and not at all with the substance of the bill, but with related issues. But I congratulate both of them for their hard work, for their dedication, and for their patriotism, all of which is reflected in that Defense authorization conference report that we just passed.

UNANIMOUS CONSENT REQUEST— S. 3709

Mr. FRIST. Mr. President, I do want to turn to another very important issue. It is an issue the Democratic leader and I have been discussing and moving towards. It is on the India nuclear arrangement. I will propound a unanimous consent request and comment after that.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3709, the U.S.-India nuclear bill. I ask consent that the managers' amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Democratic leader.

Mr. REID. Mr. President, reserving the right to object, I support this legislation. I have for many months. This was reported out of the committee sometime in July. And from that time to today, we have given the majority a proposal for a limited number of amendments. When we get back after the election—I have spoken to the majority leader—certainly there is a commitment from us that we would complete this bill very expeditiously. This has been rejected.

As I have indicated, this bill has been on the calendar since July, and it has not been scheduled. We could have acted on this a long time ago. It was held up initially because of an arms control measure that was placed in the bill by Senator LUGAR. And a number of people on the majority side, the Republican side, held this up. It took a

lot of time. It was not brought forward. And that is unfortunate.

So I will object to this consent request. I look forward to working with the majority leader in November to complete this act. It is very important. I acknowledge that. I hope, certainly, we can do that during the lame-duck session. It is one of my priorities.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. FRIST. Mr. President, I know my distinguished Democratic colleague agrees with me about the need to enact this United States-India Peaceful Atomic Energy Cooperation Act.

Therefore, once again, I am disappointed that this Senate is prevented from passing this important legislation by their objection.

All Republican Members of the Senate are prepared, this evening, to pass the managers' amendment to the legislation without any debate or amendment. But it is clear the Democrats will not allow us to do so.

The reason so many of my colleagues on the other side of the aisle are not prepared to pass the legislation is that in some cases they oppose it and wish to defeat it, and in other cases, a lot of amendments. In my opinion and the opinion of other Republican Members of the Chamber, there really is no need to further amend the managers' amendment. It was carefully worked out between Chairman LUGAR and Ranking Member BIDEN of the Committee on Foreign Relations. They have done an outstanding job working on that bill and refining that bill that was reported by their committee. It is a tribute to their fine work, to their dedication, to their hard work that all concerns with that legislation, at least on our side of the aisle, have been fully addressed.

The reason I have continued to push for it is because it means that now that we have this recess, we will not be able to get back to it until November. And this means we just lose valuable time in working out differences between S. 3709 and the corresponding bill that has already been approved by the House of Representatives for several weeks now. So that is the reason I have tried to work out a reasonable way of addressing this and have not been successful to date.

So with that, Mr. President, I hope we will be able to do this just as soon as possible. If there is no progress made on the other side between now and November in narrowing down the large number of amendments on the other side, we would have to take the measure up under cloture. That is not the way I would want to proceed. When I look at the large number of amendments on the other side, though, it looks like we would have no alternative. I assure our colleagues that I consider this legislation very high priority, and absolutely I am determined to bring it back to the floor at the earliest date possible—I hope soon after we return.

We have a lot of legislation to do when we come back. We need to get to this as quickly as possible. With that, there should be no doubt on our side of the determination and President Bush's commitment on this matter and to get this done as soon as possible.

Mr. REID. Mr. President, if I may say a final word. The problem with the managers' amendment, all the amendments are Republicans' amendments. We don't have the numbers, but I think we have a few amendments that would strengthen the bill. We have discussed this publicly and privately and here is where we are. It is unfortunate. It is something that should be done. There is not a country in the world, in my opinion, that deserves more attention than India—maybe some as much as them, but they have been a good partner of ours. I think this would be a step forward for the world and our two countries.

Mr. FRIST. Mr. President, it is my understanding the managers' amendment has been worked out between Senator LUGAR and Senator BIDEN to their satisfaction.

We all agree that it is critical to do this as soon as possible. We have this promise of a new relationship between our Nation and India, which is the world's largest democracy, and it is a relationship President Bush has begun to construct. That can only grow if Congress delivers on the commitment the President put forward to revise the U.S. law. There should be no doubt about our determination to deliver on President Bush's commitment.

ORDERS FOR THURSDAY, NOVEMBER 9, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 483 until 10 a.m. on Thursday, November 9, and that following the prayer and the pledge, the Senate stand in adjournment until Monday, November 13, at 2 p.m. I further ask that notwithstanding the adjournment of the Senate on November 9, Senators be permitted to introduce bills and submit statements and the Senate receive messages until 10:30 a.m. on November 9.

I further ask that following the prayer and the pledge on Monday, November 13, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, it has been a long day. We are into our second day now, as it is about 2:20 in the

morning. It has been a productive day with the passage of the Defense appropriations conference report, the border security fence bill, the Homeland Security appropriations conference report, the Iran Libya Sanctions Act, and several other key legislative and executive items.

We will return on November 9 for a brief session for the introduction of bills, but no business will be conducted. We will return on Monday, November 13. We will have a busy week, with orientation of new Members and our party conferences. I don't expect votes to begin that week until sometime later Tuesday afternoon. We will get word to Members as to the timing of any votes.

THANKING THE SENATE STAFF

Mr. REID. Mr. President, if the Senator will yield. I know I speak for both of us in expressing our appreciation to our Senate staff. It is 2:30 in the morning, and they have been here long, long hours. We get a lot of things done here, but it is not on our own. We have a wonderful staff that does so much.

We have the pages, some of whom are still here, and they are juniors in high school. We have the doorkeepers, the Capitol Police, the official reporters, and the fine floor staff that makes it possible to get all this complicated stuff done. It could not be done without them. They get very little recognition.

To them, I say thank you very much to all of you who do such wonderful things for us personally, and it all winds up being for our country.

Mr. FRIST. Mr. President, I second that as well. It is interesting, when you are around here at 2:30 in the morning—or, as I said at my retirement dinner, when you are here early in the morning and are among the first people who come in and usually one of the last people leaving, because generally Senator REID and I are here to close, you get to see a side of this place that a lot of people don't see—the people who keep it clean, who sweep the floors, make sure light bulbs are in place, who make sure there is always clean paint on the walls. It is pretty amazing. It reminds me of a hospital a lot because people get sick 24 hours a day. This is very similar in that the hours are unpredictable, and it is a living democracy in which we have the opportunity to participate. It is one big, huge team that makes it possible. We very rarely pause and say that. It is very important as we all work together to make the country a safer, healthier, and stronger place.

ADJOURNMENT UNTIL THURSDAY, NOVEMBER 9, 2006, AT 10 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 483.

There being no objection, the Senate, at 2:26 a.m., adjourned until Thursday, November 9, 2006, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 2006:

THE JUDICIARY

WILLIAM LINDSAY OSTERN, JR., OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE WILLIAM L. OSTERN, SR., RETIRED.

MARTIN KARL REIDINGER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE GRAHAM C. MULLEN, RETIRED.

THOMAS D. SCHROEDER, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, VICE FRANK W. BULLOCK, JR., RETIRED.

DEPARTMENT OF JUSTICE

JOHN ROBERTS HACKMAN, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN FRANCIS CLARK.

DEPARTMENT OF THE TREASURY

ROBERT F. HOYT, OF MARYLAND, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE ARNOLD I. HAVENS, RESIGNED.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be captain

RAYMOND C. SLAGLE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

To be ensign

CARYN M. ARNOLD
MATTHEW T. BURTON
JAMES T. FALKNER
MARK K. FRYDRYCH
JUSTIN T. KEESEE
JENNIFER L. KING
BENJAMIN M. LACOUR
CHAD M. MECKLEY
MEGAN A. NADEAU
CARL G. RHODES
CHRISTOPHER S. SKAPIN
JOSHUA J. SLATER
TIMOTHY M. SMITH
RYAN C. WATTAM
MARC E. WEEKLEY
PHOEBE A. WOODWORTH

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be assistant surgeon

CHRISTOPHER J. BENGSON
SAMUEL A. MC ARTHUR
CHAYANIN MUSIKASINTHORN

THE FOLLOWING CANDIDATE FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

LEAH HILL

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JAMES A. JIMENEZ, OF FLORIDA
NATHANIEL SEKOU TURNER, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS J. BRENNAN, OF MISSOURI
LAURA A. GIMENEZ, OF CALIFORNIA
JANE KITSON, OF MARYLAND
ERIC P. OLSON, OF COLORADO

DEPARTMENT OF STATE

JEFFREY D. ADLER, OF MASSACHUSETTS